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Assistant Commissioner for Patents, Washington, D.C. 20231, on

12-28-01  
LAW OFFICES OF JONATHAN ALAN QUINE

By: Janice Brooks

Atty Docket No: 402E-916903US  
Client Ref: P0825BC3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Jeffrey L. Cleland; Amy Lim; Michael F. Powell

Application No.: 08/846,933

Filed: 4/30/1997

For: **Compositions For Microencapsulation  
Of Antigens For Use As Vaccines**

Examiner: Hines, J.

Art Unit: 1645

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**PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

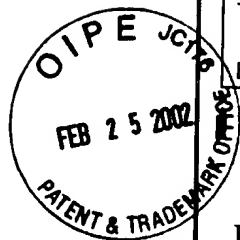
This petition is filed in response to a Notice of Abandonment dated November 2, 2001 for the above-referenced application. As this petition is filed within two months of the Notice of Abandonment, this petition is timely filed under 37 C.F.R. § 1.181(f).

The Notice of Abandonment indicated that the application was abandoned for failure to respond to the outstanding Final Office Action dated April 23, 2001. Applicants petition for withdrawal of the Notice of Abandonment on the ground that Applicants filed a Response on October 23, 2001, together with a request for a three-month extension of time which extended the response deadline July 23, 2001 to October 23, 2001.

More specifically, the following documents (copies of which are enclosed) were mailed to the U.S. Patent and Trademark Office in response to the Office Action dated April 23, 2001:

- 1) A Transmittal;
- 2) A Response;
- 3) A Request for Extension of Time; and
- 4) A Return Receipt Postcard.

As indicated in the signed Certificate of Mailing on these documents, these documents were deposited with the U.S. Postal Service as First Class Mail on October 23, 2001 in



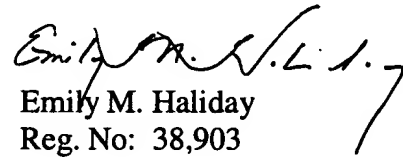
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accordance with 37 C.F.R. § 1.8. The envelope included sufficient postage, as evidenced by the fact that the envelope was not returned to Applicants' Attorney for insufficient postage. (The return receipt postcard was also not returned to Applicants' Attorney.) Accordingly, Applicants submit that the attached documents should be considered timely filed and that the present application should be reinstated. Withdrawal of the holding of abandonment and consideration of the attached response is respectfully requested.

If it is determined that this petition cannot be granted, the Examiner is requested to telephone the undersigned at (510) 769-3509.

LAW OFFICES OF JONATHAN ALAN QUINE  
P.O. BOX 458  
Alameda, CA 94501  
Tel: 510 337-7871  
Fax: 510 337-7877

Respectfully submitted,

  
Emily M. Haliday  
Reg. No: 38,903



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TO THE U.S. PATENT & TRADEMARK OFFICE

Please stamp the date of receipt of the following document(s) and return this card to us:

RE: Response to Office Action/Amendment for COMPOSITIONS FOR  
MICROENCAPSULATION OF ANTIGENS FOR USE AS VACCINES

TITLE OF DOCUMENT(S):

- Transmittal
- Amendment/Response (with Appendix A)--15 pages
- Request for extension of time (+ 1 copy)

Application No. 08/846,933

File No. 402E-916903US


Date Due: July 23, 2001

Date Mailed: October 23, 2001

Atty/Secty.: EMH:tb

O.I.P.E. JG/178  
FEB 25 2002  
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(Modified) PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	08/846,933
Filing Date	April 30, 1997
First Named Inventor	CLELAND, Jeffrey
Group Art Unit	1645
Examiner Name	Hines, J.
Total Number of Pages in This Submission	23
Attorney Docket Number	402E-916903US

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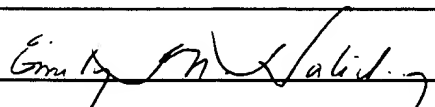
## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Petition to Withdraw Holding of Abandonment with copies of transmittal, response, request for extension of time and return receipt postcard as filed on October 23, 2001	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): receipt acknowledgment postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Request for Refund	

**Authorization to Charge Deposit Account**  
Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.


Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Emily M. Haliday Reg. No. 38,903, The Law Offices of Jonathan Alan Quine
Signature	
Date	Dec. 28, 2001

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 12-28-01

Typed or printed name	Tracie Brooks		
Signature		Date	12-28-01